

### Remarks

Claims 1-21 are pending in the application. Claims 1-21 are rejected.

Claims 1-6 and 9-11 are rejected under 35 USC 102(e) as being anticipated by Thornton (US Patent No. 6,363,065).

Thornton is directed to a gateway that receives telephony traffic through a PBX, which is in the same signaling form as PSTN signals. The gateway is configured such that it just switches the PSTN signals directly to a T1/E1 line. See Figure 2. If the data network can support the call, the system converts the PSTN-type signals to data signals and transmits them through a data network. If the data network cannot support the call, the signals are switched as circuit-switched signals, and the gateway is essentially bypassed. See column 12, line 62 through column 13, line 3, and column 13, lines 35-47.

There is no transmission of any packet based signals in the PSTN domain. Contrary to the statement in the office action that, "packets are transmitted over the PSTN after the originating IP-based device has its destination IP address translated by the gateway," the system disclosed in Thornton does not translate IP addresses to PSTN called numbers, and IP packet are not transmitted over the PSTN. Thornton states at column 10, line 65, through column 11, line 4, "...will translate *a called number* into a corresponding IP address and will route a telephone call through the data network in lieu of the PSTN. Alternatively, if at the time of the call, the QoS of the data network is inadequate to support high quality speech, the originating gateway will route the call through the PSTN for *conventional carriage* therethrough to the called party." Note that the called number is already available and therefore no conversion is necessary from IP address to PSTN called number.

Therefore, Thornton does not disclose, "a converter operable to *receive a packet data stream to a public switched telephone data stream*," as the gateway of Thornton just passes

the PSTN signals through, it is receiving signals compatible with PSTN signals and does not need to convert them.

Further, the Examiner interpreted the term "directly" as being a limitation on how many devices were between the gateway and the receiving gateway. However, this term was to demonstrate elimination of the PSTN converter, when a packet device was identified on the other end. This term has been eliminated and the claims 1 and 9 have been more clearly amended to indicate that the transmission of the packet data is done through the PSTN without using the PSTN converter.

As discussed above, Thornton does not have a PSTN converter. Thornton also does not transmit a packet data stream across the PSTN without using a PSTN converter. Therefore, Applicants submit that claims 1 and 11, as amended, are patentably distinguishable over the prior art and allowance of these claims is requested.

In the response to arguments, the Examiner stated that the statements on page 7 amounted to only a general allegation that the claims define a patentable invention without specifically point out how the language of the claims patentably distinguishes them from the references. However, the comments on page 7 were part of a discussion that ends on page 8, the first paragraph of which specifically discusses the requirements of the claim language in claims 1 and 11.

Applicants have provided the specific language in detail that is not met, or suggested by, Thornton. Therefore, Applicants submit that their arguments comply with 37 CFR 1.111(b), and that the prior art does not teach those elements of the claims specifically set out above. It is therefore submitted that claims 1 and 11 are patentably distinguishable over the prior art and allowance of these claims are requested.

Claims 2-6 and 10 depend from claim 1. As discussed in detail above, Thornton does not teach the elements of claim 1, much less the additional features of claims 2-6 and 10. It is

therefore submitted that claims 2-6 and 10 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 12, 13, 15, 16, 19-21 are rejected under 35 USC 102(e) as being anticipated by Brent et al. (US Patent No. 6,272,358).

Brent is directed to eliminating redundant voice coders (vocoders) in a mobile phone-to-mobile phone call. Brent does not establishing a communication network between a first packet device through a PSTN converter. The mobile phones in Brent connect via a data network *and* via a PCM network simultaneously. While Brent is directed to eliminating *redundant* voice encoders (from 4 voice encoders to 2), Brent still uses 2 voice encoders, even in bypass mode. The mobile phones of Brent are not packet devices.

As amended, claims 12 and 21 requires that the communication session be established between first packet device with other devices through a public switched telephone network converter. Once the other packet devices are identified, the transmission is performed on the PSTN connection, but not through the converter. In Brent, the transmissions are switched between two different connections (ATM or PCM).

It is therefore submitted that claims 12 and 21 are patentably distinguishable over the prior art, for the reasons set forth specifically with regard to the claim language above, and allowance of these claims is requested.

Claims 13, 15, 16, 19 and 20 depend from claim 12. As discussed above, the prior art does not teach all of the limitations of claim 12, much less the further features of these claims. It is therefore submitted that these claims are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 7 was rejected under 35 USC 103(a) as being unpatentable over Thornton et al. in view of Sebestyen (US Patent No. 5,847,752).

As discussed above, Thornton does not teach all of the limitations of claim 1. The addition of Sebestyen to address ITU V.8 protocols does not overcome the lack of a PSTN converter in Thornton. Since claim 7 depends from claim 1, the claim requires both a PSTN converter and a controller that utilizes ITU V.8 protocols. It is therefore submitted that claim 7 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Thornton. As discussed above, Thornton does not teach all of the limitations of claim 1. Whether robbed-bit signaling would be obvious over Thornton does not cure the deficiency of Thornton with regard to the lack of a PSTN converter for a received packet data stream. Since claim 8 depends from claim 1, the claim requires both a PSTN converter and a controller that utilizes robbed-bit signaling. It is therefore submitted that claim 7 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claim 14 is rejected under 35 USC 103(a) as being unpatentable over Brent et al. in view of Sebestyen.

As discussed above, Brent does not teach all of the limitations of claim 12 from which this claim depends. The addition of Sebestyen to address the use of ITU V.8 protocols does not cure the deficiency of Brent with regard to using the same PSTN connection for packet data discussed above. It is therefore submitted that claim 14 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 17 and 18 are rejected under 35 USC 103(a) as being unpatentable over Brent in view of Thornton.

Claims 17 and 18 depend from claim 11. As discussed above, Brent does not teach all of the limitations of claim 12. The addition of Thornton to address storing information does not overcome this deficiency. The storing of the information in claim 17 has been amended to clarify that the information includes that the device is a packet device. With regard to

claim 18, Thornton does not address using the information stored to alter the communications session because the other device has been identified as a packet device. Even if one were to assume that the information stored in the routing tables met claim 17, not addressing the deficiency of the combination in addressing claim 11, it does not address claim 18. If a device is in a routing table, it would seem to be a packet device, and therefore no information stored with regard to its status as a packet device or not would be stored separately.

It is therefore submitted that claims 17 and 18 are patentably distinguishable over the prior art and allowance of these claims is requested.

The prior art cited but not relied upon has been reviewed and is not considered pertinent to the Applicant's disclosure. No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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